# AUSTIN WEEKLY STATESMAN.

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RATHER A SENSATIONAL INCI DENT HAPPENED YESTER-DAY MORNING.

## A WOMAN PEERED INTO BURT'S FACE

SHE WALKED UP AND, LOWER-ING HER FACE TO HIS. LOOKED AT HIM INTENTLY.

#### THE STATE HAS CONCLUDED ITS TESTIMONY

The Defense Will Open Up Its Testimony at 9:30 This Morning-The Proceedings Yesterday Rather Damaging to the Defense.

#### (From Saturday's Daily.)

The reader is asked to picture in his mind a crowded court room, a prisoner who is charged with murder in a chair, with his guard standing to one side of him, and a woman, with all the curiosity of her sex depicted on her tace, as she leans her face to within a foot of the prisoner's face, and you can have some slight conception of the scene enacted at the district court room yesterday noon in the Burt trial, just after the court took a recess for dinner and before the oris-oner could be carried back to jail. The court had taken a recess for din-ner and the crowd was slowly filing out,

with the exception of some men and quite a number of ladies, who hung back in order to see the prisoner rise from his seat and leave the room. It was while Guard Hughes was waiting for the while Guard Hughes was waiting for the crowd to leave the room that one of the ladies in attendance, apparently carried away by her curiosity beyond all thoughts of her surroundings, pushed past Deputy Sheriff Thorpe, who was standing just to the left of the prisoner, and peered with a cold and unfeeling, as well as decidedly interesting, eye into the face of the prisoner. She seemed fairly charmed at the sight and the writer, who was sitting not four feet away, could not help but watch and wonder. She looked at Burt very intently for possibly two minutes and seemed not to want to looked at Burt very intently for possibly two minutes and seemed not to want to leave when she was pushed aside. As it was, however, she complied with the request to move slightly and smiled broadly up into Deputy Thorpe's face as she did so. Her curiosity had led her to Burt and she had satisfied its longings to see him by leaning over his chair until her face was within a foot of his. She had evidently been satisfied. She had not only heard the testimony, but she not only heard the testimony, but she had seen Burt, and now she had looked into his face. Her curiosity, her morbid curiosity and her ambition had been satisfied, in a measure at least. She had braved everything, even to running into the crowd of men, to approach close enough to Burt to look into his face, and when once near she had voluntarily thrust her face so close to his that their breath must have mingled as it passed from their respective lips.

What of Burt during this moment of suspense? He paid no more attention to

suspense? He paid no more attention to the woman than if she had not been near him. His eye lids did not even flicker. All the time the woman was looking at him he neither noticed her nor any one else. She looked her fill and was then pushed gently aside by the officers, but, so far as any action of Burt's gave evidence, he did not even know that she had been in the neighborhood of his chair. dence, he did not even know that are date been in the neighborhood of his chair. It was verily the opportunity of a lifetime for the artist. It was certainly something worthy of the poet, and as for ordinary human beings, those who have once seen such proceedings will not soon forget them. Other ladies have been in attendance upon the trial since its opening. They have heard all the horror of the deed, and they have seen the man who sits there day by day, charged with the guilt of the heinous crime. None have ever dared to advance to within arm's length of the prisoner, however, until yesterday, when this lady in question allowed her curiosity to run rampant over everything else, and she bearded the lion in his den. approached the prisoner at the bar and secured that satisfaction which she will probably never have again in life—that of teching at close range at a man charged probably never have again in life—that of looking at close range at a man charged the state's next witness, Jno. Nelson.

with such a heinous crime as the present defendant.

As the lady in question turned from looking at Burt she passed slowly on out of the court room as though she were thinking deeply over what she had just seen. She alone knows what actuated her in the matter of looking into Burt's face. It was her prerogative, and that she followed out her desires in this manner gives evidence to the fact that woman, in this as in other instances, knows how to quench, only by actual satisfaction, any curiosity that throbs in her breast.

knows how to quench, only by actual satisfaction, any curiosity that throbs in her breast.

While this was the only particularly dramatic scene enacted at the trial yesterday morning, there were hundreds of persons in attendance upon the court that were quite as eager to see Burt. These swarmed out of the room the minute court adjourned, and, running around to the court house yard, stood there until Burt and his guard walked down the steps and came out into the yard. Here they satisfied their curiosity by getting another and closer look at him. He marched sullenly through their ranks as they parted to give them room for passage to the jail, and neither looked to the right nor the left. The court house yard was crowded with these people, eager to see the accused, and after he had disappeared in the jail they walked around the yard looking at the jail like it was some enchanted spot.

During the proceedings of trial yesterday morning, the prisoner was apparently obvious to everything that was going on around him. He came in at 9 o'clock under guard, as usual, and took his seat in the accustomed place. He, as has become customary with him of late, failed to remove his hat, and his guard, Mr. Hughes, had to do it for him. After the handcuffs were removed he took his seat, and in a very few minutes his eyelids began to fall over his eyes and he apparently became very weary. From that time until he was led from the court room at noon, he gave not the slightest evidence of the fact that he knew what was going on around him. Several times he looked exactly like he was fast asleep, And on one occasion, it looked as though his head would certainly fall on the table, so low did he nod. At no time during all the taking of testimony did he evidence the slightest interest in what was being said. Everybody around him was hanging on the every word that fell from the lips of any of the witnesses, but as to the main party, whose life and liberty were at stake, he apparently slumbered on as though life and all the busy actions of

afternoon.

He is certainly holding up well under the strain, and '?, as in most cases of this kind, he collapses, the collapse will be very great indeed. His outward demeanor has been unchanged during the past three days, and his personal appearances have been unchanged. He looks as indifferent as ever. He still has that strained look on his face and, withal, he is quite a study.

As on previous days, the court room

a study.

As on previous days, the court room was crowded to suffocation all day yesterday. Men and women alike jostled one another in their wild desire to see the man accused. They almost scrambled for position in which they might hear the testimony, and some who could neither get in nor hear anything crawled outo the window sills outside and peered through in order that they might at least see what was being done. The interest in the trial has grown to fever heat, and those who want seats are always on hand an hour before time.

Last afternoon at 4:30, after spending

Last afternoon at 4:30, after spending Last afternoon at 4:30, after spending the entire day in examination, the state finished its testimony, which, when considered in the whole, is considered rather damaging. Upon the cenclusion of the examination of its principle witnesses, the state rested its case, and, pending the hearing of the witnesses on the side of the defense, the court adjourned until 0.90 this marning. 9:30 this morning.

### THE TRIAL.

It was stactly 9 o'clock yesterday morning when the jury in the Burt case marched in and took their seats. A few minutes prior to their arrival the prisoner, Eugene Burt, walked in under guard and took his sent in the regular place. His appearance was about the same as on Wednesday, and he had not been seated five minutes before his eyes began to close ever once in awhile as though he was weary.

At 9:07 Judge Brooks walked in, took his seat and the court was formally

his seat and the court was formally opened.

Erie McCarty was the first witness of the day. He testified, in reply to interrogatories, that he was engaged in the real estate business with F. M. Covert. That he had known Eugene Burt for some time and during the month of July especially. Burt occupied the house at 207 East Ninth street during July, for which he was agent. The district attorney handed him some samples of Burt's handwriting, which he swore to be Burt's, and they were offered as testimony of his handwriting.

No cross-examination.

No cross-examination.

The court granted the district attorney

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street and spoke to Burt. I walked on up slowly to Bursh's corner. Just at this time a car passed, and both of them boarded the car. Burt placed the grips on the car and the woman got on and seated herself at one end of the car and Burt sat at the other end. They went down toward the International and Great Northern depot."

No cross-examination.

Northern depot."

No cross-examination.

Martha Ward testified that she lived at Moses' now, and was living there last July and was the cook there. She knew Eugene Burt; that he lived just behind the Moses'. She remembered seeing him on the Saturday after the 24th of July. "I saw him at the depot. I saw Burt first at his front gate. He had some grips in his hand. I was going to the depot to meet a friend that was coming over to the campmeeting." Here the district attorney asked her for her friend's name. She hesitated for some time, saying she could not think of it, and then finally gave it, but no one caught it, and she was not asked to repeat it.

"When I met him I asked him how

she was not asked to repeat it.

"When I met him I asked him how
Mrs. Burt and the children were. He
said they were all right and he was going to Georgetown to take them some
clothing. We waited on the corner for
at least a half hour before a car came
along. The first car that came by was
a belt line. I asked the conductor and
he told me that it was the beit car.
When I went out to the middle of the
street to ask the conductor Burt was just
behind me. The next car that came street to ask the conductor Burt was just behind me. The next car that came along we got on and went to the depot. The car stopped at Tobin's corner to let somebody on and did not stop again until we arrived at the depot. When we got to the depot we went in the lunch room, and he took his grips into the waiting room and opened them, and he had some papers and a revolver in the grip. When the train came Burt got on the car between the sleeper and the first-class coach, but I did not see him enter either coach. I do not know whether he bought a ticket or not.

Cross-examined: I have known Burt THE MUTUAL LIFE INSURANCE CO of New York

Cross-examined: I have known Burt since I was quite young. The first thing we talked about on this night was my sister. I told him she lived in Kyle and was cooking for Mr. Hellman. I asked him about his wife and children, and he said he was going to Georgetown to carry them some clothes. He remarked about how pretty the children were. We went down Ninth street to the Avenue and down Ninth street to the Avenue and crossed over. We stayed there, I think, about half an hour. Yes, there was some one else standing on the corner, but some one else standing on the corner, but I did not notice who they were. At the corner we talked about his wife and children. I don't know where the conversation started. I know that we were talking about his wife and children on the corner. We did not talk to one another on the car. Mr. Burt carried all his grips. It was about half past 9 when we got to the corner and I heard when we got to the corner, and I heard the clock strike 10 while we were still standing there. I don't know what time we got to the depot. I sat down in the waiting room and waited for the train. Mr. Burt went into the lunch

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has never been satisfactorily settled as to who is the best player. Burt is a good checker player. On this particular night his cheerfulness was so great as to attract my attention."

Juo. Chenneville testified that he lived in Austin and had lived here twenty years. That he was a city officer. Knew Eugene Burt, and that the last time he saw Burt was on the Saturday afternoon before the crime was discovered. He saw Burt at Jacksons' store late this Saturday afternoon. "I had occasion to go to Houston. I saw the three boxes in question. When I was there I received a hatchet from the deputy sheriff which I brought back and gave to City Police Clerk McCashin at the station. The hatchet was covered with blood and some long hairs." Here the hatchet in question was handed to him and the witness stated that in his belief it was the hatchet given him at Houston.

Cross-examined. The last time saw the hatchet it had hair on it. was wrapped in paper and he had opened it. Houston.

Pat Smith testified that he was assis That Smith testmed that he was assistant ticket agent at the Central depot, That he knew Burt. That he had not, during the day, sold Burt any ticket to Chicago. He was not on duty the

Saturday night in question.

Cross-examined. He paid no attention to the people who bought tickets. The money was the only thing he wanted.

Conrad Sobeck testified that he was a Conrad Sobeck testified that he was a barber doing business just two doors above Burdett's hotel. I was doing business at the same place, No. 1907, in July. I saw Burt the last time on the Saturday before the bodies were discovered. I had no conversation with him. Noticed nothing out of the ordinary with him. No cross-examination had

Pete Lawless testified that he had been ticket agent at Austin for twenty years. Knew Eugene Burt; that he was on duty at the office on the night of July 24. "I did not see him there that night, nor do I remember having sold him a ticket. There are sometimes several persons at the window at one time, and I pay very little attention to them. I would have remembered had I sold him a ticket to Chicago."

Cross-examined: "I keep no record of Pete Lawless testified that he had been

Cross-examined: "I keep no record of persons buying tickets. There was a scalper's office in the city at that time. Mr. Holly ran it. I don't know where he is now."

he is now."
C. M. Miller testified that he knew Eugene Burt; had seen him last on a Saturday evening at his house. "Mr. Saturday evening at his house. "Mr. Barnum went with me to Burt's house. I saw Burt and the colored woman at the house. He told us what to get, showed us what to get, showed us what to get, everything in the house and showed us through the house. I saw a corner of the cistern, which is in the back part of the house. I had no conversation with Burt about the cistern. I noticed nothing out of place with Mr. Burt. I did not see the family. I went into the west room next to the Warmoth room. I saw two boxes. I did not take them because they were not furniture. The boxes were closed."

No cross-examination.

No cross-examination. Capt. Rhodes Fisher testified that he had been connected with the land office, from '56 to the breaking out of the war, from '76 to '82. He was chief clerk then. In reply to his ability to compare handwritings, he said: "I have had the credit of ferreting out all the land forgeries."

Cross-examined: "Yes, I have just picked up my knowledge of comparing handwritings. I know of no system governing it."

Here some letters were handed to the

Here some letters were handed to the captain for comparisons by District Attorney Burleson, one being a letter from Burt and the others being the scraps of paper picked up at the house on the day the bodies were found. He said that it took no expert to say that they were written by the same man. The labels taken off the boxes, were also brought in and Capt. Fisher said they were written by the same paty who wrote the letter.

Cross-examined: The witness was asked to explain to the jury as to what he based his testimony on. The witness called attention to the word "please" in the letter of Burt to Covert & McCarty and the word "please" in the scraps of paper and stated that they were alike. The capital "Cs" and the "ts" were alike as well as the small "ls" throughout the various letters and scraps of letters.

The witness said if he had time he

The witness said if he had time h could go into the explanation at length. Maj. Walton, for the defense, assured him that he had plenty of time. The witness testified that the use of a pen or pencil made no change in the formation of a letter by the same person. O. H. Gibson testified that he was a po

or pencil made no change in the formation of a letter by the same person.

O. H. Gibson testified that he was a policeman. Knew Eugene Burt. Saw him last on a Saturday morning the last of the month. "I am certain it was Saturday morning. I saw him come up Pecan street. I merely spoke to him. I saw him the Wednesday before about a check. It was on Marcus & Anderson, signed by King. I don't know what initials. I had another check signed by him. I told him he had better take these checks up. He said give him time and he would do so. He went away and came back in the afternoon and paid me the money, and I gave him the checks. I was called to the house he occupied on Ninth street on the Thursday before, no, after the Saturday on which I saw him. There were quite a number there when I arrived. I went as fast as I could after being called. When I got to the cistern in the rear of the house I noticed a good many flies around the cistern and considerable excitement was going on. We had to cut the floor with an ax to get into the cistern. There seemed to be four or five feet of water in the cistern, It was quite a large cistern. I assisted in taking three bodies out of the cistern. One of them was the body of Mrs. Eugene Burt. The body was wrapped in a blanket and ropes were tied all around the body to keep the blanket on. I assisted in taking three bodies out of the cistern. One of them was the body to Miller's undertaking establishment. As soon as the blanket and ropes were tied all around the body to keep the blanket on. I assisted in taking the body to Miller's undertaking establishment. As soon as the blanket had been removed at the undertaking establishment I went in and saw that the head was badly slashed with some instrument. I did not see any jewelry on the body It was the body of Anna M. Burt, wife of Eugene Burt.

Cross-examined: Did not know Mrs. Burt personally, but knew her as well as anybody in town, as he had seen her often. When the body was taken out of the cistern and saw them carried to the undertaker

The feet were swollen double sized head was swollen some, but not double sized. The face was slightly discolored, being a little blue under the eyes. I never noticed any mutilation on the face. noticed any mutilation on the face. I never noticed particularly. I noticed several bruises on the side of the face. Notwithstanding these mutilations and the discoloring I recognized the dead body as that of Mrs. Eugene Burt. The face was sunk in a little and was swollen. There was a wound on the head. I noticed a handkerchief tied either around the face or neck. I think it was around the neck. I made no critical examination of the body. I was there as an officer, to keen the crowd out.

cer, to keep the crowd out.

At this juncture, the hour of noon having arrived, the court took a recess for dinner until 2 o'clock

### AFTERNOON SESSION.

AFTERNOON SESSION.

Exactly at 2 o'clock the court was ready for business.

Dr. H. B. Granberry was the first witness. He had known Burt fourteen or fifteen years. On the night of July 25 (Saturday), he went to the International and Great Northern train going north. He took the train and had gone as far as Hutto or McNeil before he saw Burt on the car. Burt was sitting just in front of the water cooler. He (Granberry spoke to him and sat down with him in the same seat. Asked him where he was going, and he said to Dallas. He had a small grip in his lap. Near Taylor the officers of the train got ready to cut out the car they were in, and Dr. Granberry wanted to go into a front car, but Burt objected, saying he did not want to carry his two big grips, and told Granberry to stay in the car until the engine whistled for Taylor. He stayed until the train got to Taylor. He stayed until the train got to Taylor. He noticed nothing unusual in Burt's manner. There was a lady on the train who was crying. Burt said she was a Mrs. Driscol, a young lady who had lately lost her husband. He spoke very touchingly, of her and her trouble.

Cross-examined by Taylor Moore. By

was Mrs. Burt's body.

Cross examined by Taylor Moore. Mrs. Burt's hair was dark brown and her eyes blue. Did not identify the body from the color of the eyes, but noticed the hair. Her cheeks were discolored and her face a great deal enlarged. Her eyes were swollen together; could not see them. The body had a very offensive odor. No worms were in the face that he saw. Did not examine closely enough to swear that worms were not crawling over the face and body. Could not say that he saw any blood. The hair and temples were discolored, but he could have identified the body even in Mexico had he made a close examination. Did not remember whom he first told he could identify the body. He identified her by her face, which plainly showed who she was. From the nose up; her forehead and head plainly proved her identity. Excused.

Dr. R. S. Graves was the next witness.

Dr. R. S. Graves was the next witness, Had been city and county physician for He was called eleven years.

Dr. R. S. Graves was the next witness. Had been city and county physician for eleven years. He was called into Monroe Miller's undertaking establishment on the Saturday morning, July 25. Saw Mrs. Burt's body there. Her skull was fractured and upper bones of the face were crushed. She had a handkerchief tied as tightly as possible around the neck and throat. The handkerchief had to be cut off. He saw a ring on her finger and called the attention of the undertaker to it. The body had been dead several days. Decomposition had taken place. Either the wound in the head or strangulation with the handkerchief or the immersion in the cistern would have caused death. He knew Mrs. Burt in life and positively identified her after death. She had on a night gown or chemise in addition to the blanket. It was torn down some in front.

Cross-examined by Maj. W. M. Walton: He was well acquainted with Mrs. Burt; had practiced in her family; did not remember the color of her eyes. Her hair was dark brown and medium long. He made a medical examination of the body, her head, limbs and body. Found a wound in the head on the right hand side running from the ear to the eye. It was a mashed wound. It was one continuous wound. The wound of itself could have caused death. He could not say if that wound of itself did cause the death, but it would have caused death in ten minutes' time; but in the meantime the handkerchief might have been tied around the neck and death followed by strangulation. He thought the wound in the head would cause death in ten minutes because of the hemorrhage that would follow the crushing in of the bones into the brain. The handkerchief around the neck would have caused death. The neck was swollen one-sixteenth larger than in life. Death might have followed from drowning. The handkerchief around the neck would have been strangied without the usual symptoms of the effects of strangulation upon her, such as bulging eyes and protruding tongue. But if she had been hit and stunned before the handkerchief was tied aro would come from a blow, from stranguladistinct, Excused.

would come from a blow, from strangularion or drowning, each one separate and distinct. Excused.

Bob Ehlert. He was embalmer and funeral director for Monroe Miller. He remembered the adult person wrapped in a blanket brought to his establishment July 25. He had tied a rope to her while in the cistern and helped get her out. He removed the blanket from the body at the undertaker's room, and it then had a gown left on. He found a wound in the right temple. It could have been made with a natchet. She had a hand-kerchief tied around the throat very tight. Found three rings on her hands; one on right hand and two on left. He removed the rings and then gave them to Roscoe Burt. (The rings were produced—one a wedding ring and two thin bands of gold with chips of jewels set in them.) He recognized and identified them. The wedding ring had in it "To A., Sept. 9, 1882"

Cross-examined by Maj. Walton and Geo. Walton. He felt sure they were the same rings. Identified the wedding ring by the inscription in it, given before. He cut the rope that bound the blanket around the throat, while the wagon went to the undertaking establishment, but he did not cut the blanket. There were some worms on her person, but her face was not disfigured by them. Her face was not swollen even, all the way across, and he could easily see her eyes. He lifted up the lids, and they were blue eyes. Her nose was flattened out by the blanket being drawn over it so tight, and was swollen. She was not so disfigured that he could not have recognized her had he known her well in life. Excused.

wanted to go into a front car, but Burt objected, saying he did not want to carry his two big grips, and told Granberry to stay in the car until the engine whistled for Taylor. He stayed until the train got to Taylor. He noticed nothing unusual in Burt's manner. There was a lady on the train who was crying. Burt said she was a Mrs. Driscoll, a young lady who had lately lost her husband. He spoke very touchingly of her and her trouble.

Cross-examined by Taylor Moore. By "touchingly" he meant that Burt seemed to regret the husband's death and be sorry for the widow. He talked sympathetically. Burt seemed to be in a very good humor. He said he was going to Dallas on business. That his family were away from home, but would come back on Thursday. He stayed with Burt until the train came almost to a stop in Taylor. He saw nothing unusual about him all the while he talked to him. Did not see him after they got to Taylor. Excused.

J. E. Grizzard, a policeman. He knew O. H. Gibson. He relieved Gibson July 25, at Monroe Miller's undertaking establishment, guarding the door of it. He had not been at Burt's house, where the

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